

3763



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Patrick J. Duane

Appl. No. 09/998,766

Filed: November 29, 2001

For: **Apparatus for Temporary Intraluminal Protection**

Art Unit: 3763

Examiner: Not Yet Assigned

Atty. Docket: P1036 US

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SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT UNDER RULE 1.56

Assistant Commissioner of Patents
Washington, D.C. 20231

Sir:

Applicant(s) herein make available to the Patent and Trademark Office a copy of Form PTO-1449, and a copy of each cited reference is enclosed. This Information Disclosure Statement is being filed in accordance with the following provision(s):

- ☐ 37 CFR 1.97(b)(1) Within three months of the filing date of the national application. No fee is required.
- ☐ 37 CFR 1.97(b)(2) Within three months of the date of entry of the national stage as set forth in § 1.491 in the international application. No fee is required.
- ☒ 37 CFR 1.97(b)(3) Before the mailing date of a first Office Action on the merits. No fee is required.
- ☐ 37 CFR 1.97(c) After the periods specified in 37 CFR 1.97(b), but before the mailing date of either: (1) a final action under § 1.113 or (2) a notice of allowance under § 1.311, whichever occurs first.
- ☐ The undersigned hereby certifies that each item of information contained in this information disclosure statement was cited in a communication from a foreign patent

office in a counterpart foreign application not more than three months prior to the filing of this statement. A copy of the Search Report is enclosed, citing the references; or

- ☐ The undersigned hereby certifies that no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to the knowledge of the undersigned after making reasonable inquiry, was known to any individual designated in § 1.56(c) more than three months prior to the filing of this statement; or
- ☐ Enclosed is a check in the amount of \$240.00 for the fee set forth in 37 CFR § 1.17(p). The Commissioner is hereby authorized to charge any additional fees which may be required under 37 C.F.R. 1.17, or credit any overpayment, to Deposit Account No. 01-2525.
- ☐ 37 CFR 1.97(d) After the mailing date of either (1) a final action under § 1.113 or (2) a notice of allowance under § 1.311, whichever occurs first, but before payment of the issue fee.
- ☐ Applicant(s) hereby petition the Commissioner of Patents and Trademarks to consider this information disclosure statement. Enclosed is a check in the amount of \$130.00 for the petition fee set forth in § 1.17(i)(1). The Commissioner is hereby authorized to charge any additional fees which may be required under 37 C.F.R. 1.17, or credit any overpayment, to Deposit Account No. 01-2525.

The listed documents are brought to the Examiner's attention because they are known to the applicant and/or the applicant's attorney and may be considered by the Examiner to be material to his/her examination. This listing should not be construed as representation that a search has been made or that no better art exists. No inference should be made that the documents are in fact material merely because they are referenced herein. Moreover, no representation is made that any brief descriptions of the references herein necessarily describe the most material aspects of the references. Further, by this listing, the applicant is not making any admission regarding the relative dates of the invention and listed disclosures.

The Examiner is requested to consider carefully the complete text of these documents in connection with the examination of the above-identified application in accordance with 37 CFR 1.104(a). It is requested that the documents listed on the attached Form PTO-1449 be included in the "References Cited" portion of any patent issuing from this application (M.P.E.P. 1302.12), and that the Examiner initial and return a copy of the form to evidence consideration of the documents.

Dated: October 31, 2002.

Respectfully submitted,



Catherine C. Maresh
Registration No. 35,268
Attorney for Applicant

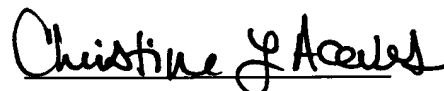
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3576 Unocal Place
Santa Rosa, Ca 95403
Tele No.: (707) 543-0221
Fax No. : (707) 543-5420

CERTIFICATE OF MAILING (37 CFR 1.8A)

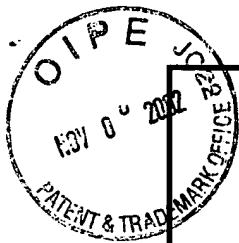
I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in the envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231.

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Christine L. Aceves

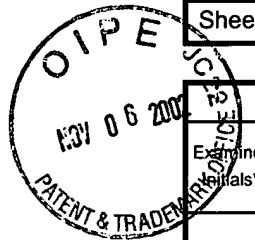


**SUPPLEMENTAL
INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

Sheet 1 of 1

Complete if Known

Application Number	09/998,766
Filing Date	11-29-2001
First Named Inventor	DUANE, Pat
Group Art Unit	3763
Examiner Name	To Be Assigned
Attorney Docket Number	P1036 US



U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No.	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
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FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No.	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Office Code	Number	Kind				
		WO	02/43595	A2	Advanced Cardiovascular Systems, Inc.	06-06-2002		

Examiner Signature		Date Considered	
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.